



Docket No.: 1344.1127

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Setsuo YOSHIDA, et al.

Serial No. 10/705,220

Group Art Unit: 2883

Confirmation No. 3544

Filed: November 12, 2003

Examiner: Christopher M. Kalivoda

For: VARIABLE OPTICAL FILTER AND OPTICAL TRANSMISSION SYSTEM USING SAME,  
AND CONTROL METHOD OF VARIABLE OPTICAL FILTER

**RESPONSE TO NOTICE UNDER 37 CFR §1.251**

U.S. Patent and Trademark Office  
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Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

A Notice UNDER 37 CFR §1.251 was mailed by the USPTO on April 11, 2005. The Notice indicates that the USPTO requests an additional copy of the foreign priority papers filed January 21, 2004.

Therefore, enclosed herewith is a copy of:

1. A paper entitled "Submission of Certified Copy of Prior Foreign Application in Accordance with the Requirements of 37 CFR §1.55" (hereafter, the "Submission") which was filed on January 21, 2004;
2. A copy of the first page of the certified copy of the foreign priority document filed with the Submission; and
3. A copy of the USPTO mailroom filing receipt.

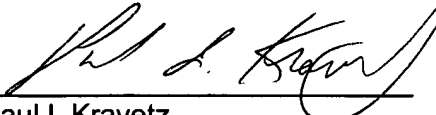
Only a copy of the first page of the certified copy of the foreign priority document is provided herewith, although a full certified copy of the foreign priority document was filed on January 21, 2004. The applicants assume that an additional certified copy is not required. However, please advise if the USPTO requires that another certified copy be filed. If so, the applicants will obtain another certified copy from the foreign patent office, and provide the copy to the USPTO.

Other than providing another certified copy of the foreign priority document, the copies of the papers provided herewith and listed above are complete and accurate copies of the applicants' records of such papers.

Respectfully submitted,

STAAS & HALSEY LLP

Date: April 18, 2005

By:   
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UOA



UNITED STATES PATENT AND TRADEMARK OFFICE

Response Due: 5.2-05

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,220	11/12/2003	Setsuo Yoshida	1344.1127	3544

21171 7590 04/11/2005

STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005



EXAMINER

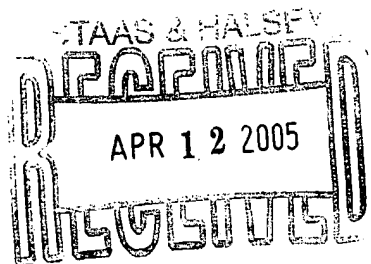
KALIVODA, CHRISTOPHER M

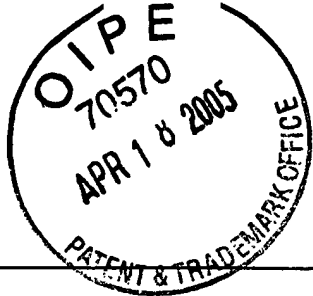
ART UNIT PAPER NUMBER

2883

DATE MAILED: 04/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.





**UNITED STATES PATENT AND TRADEMARK OFFICE**

COMMISSIONER FOR PATENTS

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**NOTICE UNDER 37 CFR 1.251 - Pending Application**

☐ The file on the cover sheet cannot be located after a reasonable search. Therefore, the Office is initiating the reconstruction of the file of the above-identified application pursuant to the provisions of 37 CFR 1.251.

Applicant is hereby requested to provide a copy of applicant's record (if any) of all of the correspondence between the Office and applicant for the above-identified application (except for U.S. patent documents), a list of such correspondence, and a statement that the copy is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and whether applicant is aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

☒ The following paper(s) pertaining to the above-identified application cannot be located after a reasonable search:

Foreign Priority Papers dated 01/21/04.

Therefore, the Office is initiating the reconstruction of such paper(s) pursuant to the provisions of 37 CFR 1.251.

Applicant is hereby requested to provide a copy of the paper(s) listed above and a statement that the copy of such paper(s) is a complete and accurate copy of applicant's record of such paper(s).

If applicant does not possess any record of the correspondence between the Office and the applicant for the file listed on the cover sheet or any copy of the paper(s) listed, applicant must reply to this notice by providing a statement that applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

☐ A printout from PALM of the contents of the file of the above-identified application is included with this notice.

Direct the reply to this notice to:

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Alexandria, Virginia 22313-1450

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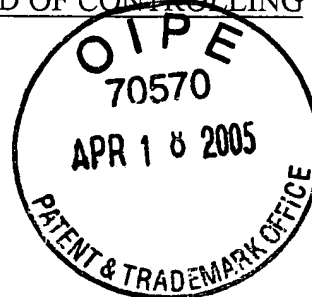
PTO Doc. Code: R251.NTC (Rev. 03/05)

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In re Application of: YOSHIDA, SETSUO et al.  
Application No.: 10705220  
Filing Date: 11/12/03  
Title: VARIABLE OPTICAL FILTER AND OPTICAL TRANSMISSION  
SYSTEM USING SAME, AND METHOD OF CONTROLLING  
VARIABLE OPTICAL FILTER

Direct to: U. S. Patent and Trademark Office  
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P.O. Box 1450  
Alexandria, Virginia 22313-1450



**NOTICE UNDER 37 CFR 1.251 – Pending Application**

Statement (check the appropriate box):

☒ The copy submitted with this reply is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records, *with respect to the foreign priority paper dated 1/21/04, and noting that an additional certified copy of the priority document was not filed herewith.* *PIK*  
☐ The copy of the paper(s) listed in the notice under 37 CFR 1.251 is/are a complete and accurate copy of applicant's record of such paper(s).

☐ The papers produced by applicant are applicant's complete record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records.

☐ Applicant does not possess any record of the correspondence between the Office and the applicant for the above identified application.

4/18/05  
Date

Paul I. Kravetz  
Signature  
Paul I. Kravetz *Rev. #35,230*  
Typed or printed name

**A Copy of this notice should be returned with the reply.**

Burden Hour Statement: This collection of information is required by 37 CFR 1.251. The information is used by the public to reply to a request for copies of correspondence between the applicant and the USPTO in order to reconstruct an application file. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 60 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.



Please Date Stamp and return

IDS, PTO-1449, Attachment 1(e), 4 references, Submission of PRiority Document, Submissin of English Translation

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APPLICANT(S): Setsuo YOSHIDA, et al.

SERIAL NO: 10/705,220

CONFIRMATION NO. TBA

TITLE: VARIABLE OPTICAL FILTER AND OPTICAL TRANSMISSION SYSTEM USING SAME, AND CONTROL METHOD OF VARIABLE OPTICAL FILTER

FILING DATE: January 16, 2004

DOCKET NO: 1344.1127/JCG:rk

DUE DATE:



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